

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, gives notice of the intent to take final rulemaking action to adopt the following amendments to chapter 55 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the amendments is to clarify the requirements for licensure in the District of Columbia; require proof of competency in English for applicants educated in foreign countries; add regulations for licensure by endorsement; add a continuing education requirement to applications for licensure renewal; clarify the scope, duration, and requirements for the supervised practice of students, graduates, and applicants for licensure by endorsement; clarify the scope of practice for practical nurses in the District; add an assignment of nursing interventions section; add a standards of conduct section, add a provision permitting licensure by re-entry program for health professionals whose licenses have been expired more than five (5) years, and who are not currently licensed in another jurisdiction; and to further ensure the protection and safety of the District's citizens by bringing the regulations in line with the current practices and trends in practical nursing.

**The following rulemaking action is proposed:**

**17 DCMR Chapter 55, PRACTICAL NURSING, is amended in its entirety to read as follows:**

**CHAPTER 55 PRACTICAL NURSING****5500 GENERAL**

- 5500.1 This chapter shall apply to applicants for and holders of a license to practice practical nursing.
- 5500.2 Chapters 40 (General Rules) and 41 (Administrative Procedures) of this title shall supplement this chapter.

**5501 TERM OF LICENSE**

- 5501.1 Subject to § 5501.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of June 30 of each odd-numbered year.
- 5501.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the

last day of the month of the birth date of the holder of the license, or other date established by the Director.

**5502 EDUCATIONAL REQUIREMENTS**

5502.1 Except as otherwise provided in this chapter, an applicant for a license shall furnish proof satisfactory to the Board in accordance with § 504(m) of the Act, D.C. Official Code § 3-1205.04(m), of the following:

- (a) That the applicant has successfully completed an educational program leading to licensure as a practical nurse which was approved by the Board or by a nursing board in the United States or U.S. territory with standards determined by the Board to be substantially equivalent to the standards in the District; or
- (b) That the applicant is a member of or has been honorably discharged from the United States Army with the rating of clinical specialist after completing the MOS 91C practical nursing program.

**5503 EDUCATIONAL REQUIREMENTS FOR APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

5503.1 An applicant who completed an educational program in a foreign country, which program was not approved in accordance with § 5502.1, shall furnish proof satisfactory to the Board in accordance with § 504(m) of the Act, D.C. Official Code § 3-1205.04(m) of the following:

- (a) That the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act;
- (b) That the applicant successfully completed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination by submitting a certificate from CGFNS; and
- (c) That the applicant has spoken and written competency in English by documenting one of the following:
  - (1) Graduation from a nursing program where English was the only language of instruction throughout the applicant's inclusive dates of attendance;
  - (2) Successful completion of the Test of Spoken English (TSE) examination with a passing score of fifty (50);
  - (3) Successful completion of the International English Language Testing System (IELTS) examination with a passing score of six (6.0) overall with a spoken band score of seven (7.0); or

- (4) Provide proof that the applicant has completed a total of twelve (12) months of full-time employment in the United States during the two (2) years immediately preceding the date of application.

5503.2 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit the translation signed by the translator attesting to its accuracy.

**5504 LICENSURE BY EXAMINATION**

5504.1 To qualify for a license by examination, an applicant shall:

- (a) Receive a passing score on the National Council Licensure Examination for Practical Nurses (NCLEX-PN) developed by the National Council of State Boards of Nursing, Inc. (NCSBN). The passing score on the NCLEX-RN shall be the passing score established by the NCSBN;
- (b) Meet the educational requirements of this chapter; and
- (c) Meet any other requirements as set forth by the Board.

5504.2 To apply for a license by examination, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin.
- (b) Arrange for a certified transcript of the applicant's academic record and a letter of recommendation from the nurse administrator of the school or college to be sent directly from the educational institution to the Board;
- (c) Sit for the NCLEX-PN examination not later than ninety (90) days following submission of the application. The Board may, in its discretion, grant an extension of the time requirement if the applicant's failure to sit for the examination was for good cause. As used in this section "good cause" includes the following:
  - (1) Serious and protracted illness of the applicant; or

(2) The death or serious and protracted illness of a member of the applicant's immediate family.

(d) Submit any other required documents; and

(e) Pay all required fees.

5504.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

5504.4 If an applicant has not yet taken or passed the NCLEX-PN examination six (6) months after the date the applicant became eligible to sit for the exam, the applicant shall complete a review course approved by the Board and provide proof of having completed the course in order to be eligible to sit for the next available NCLEX-PN examination. For purposes of this section:

(a) Graduates of an educational program in practical nursing approved in accordance with § 5502.1 are eligible to sit for the exam upon graduation.

(b) Graduates of an educational program in practical nursing in a foreign country not approved in accordance with § 5502.1 are eligible to sit for the exam upon completion of the requirements set forth in § 5503.1.

5504.5 If an applicant has not yet taken or passed the NCLEX-PN examination two (2) years after the date the applicant became eligible to sit for the exam, the applicant shall complete a remedial course approved by the Board and provide proof of having completed the course in order to be eligible to sit for the next available NCLEX-PN examination.

5504.6 If an applicant has not yet taken or passed the NCLEX-PN examination three (3) years after the date the applicant became eligible to sit for the exam, the applicant shall complete an additional educational program leading to a degree or certificate in practical nursing approved by the Board and provide proof of having completed the program in order to be eligible to sit for the next available NCLEX-PN examination.

## 5505 LICENSURE BY ENDORSEMENT

5505.1 An applicant is eligible for licensure by endorsement if the applicant is currently licensed as a practical nurse under the laws of a state or territory of the United States; and if the applicant's original licensure in a state or territory was based upon:

(a) A score of three hundred and fifty (350) on each part of the State Board Test Pool Examination for practical nurses taken before September 1982; or

- (b) A passing score on the NCLEX-PN.

5505.2 To apply for a license by endorsement, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit a sworn affidavit, under penalty of perjury, with the application stating that he or she does not have a social security number; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain licensure verification from the original state or territory of licensure that the license is current and in good standing:
  - (1) If the license from the original state or territory is not current, an applicant shall obtain verification from a state or territory that the applicant holds a current license in good standing; and
  - (2) The licensure verification form must be sent directly to the Board, by the verifying Board.
- (d) Meet any other requirements as set forth by the Board; and
- (e) Pay all required fees.

5505.3 If the applicant completed an educational program for practical nursing in a foreign country, which program was not approved in accordance with the requirements set forth in § 5502.1, the applicant shall also demonstrate spoken and written competency in English by providing documentation of one of the following:

- (a) Graduation from a nursing program where English was the only language of instruction throughout the applicant's inclusive dates of attendance;
- (b) Successful completion of the Test of Spoken English (TSE) examination;
- (c) Successful completion of the International English Language Testing System (IELTS) examination with a passing score of six (6.0) overall with a spoken band score of seven (7.0); or

- (d) Provide proof that the applicant has completed a total of twelve (12) months of full-time employment at a health care facility in a state or territory of the United States during the two (2) years immediately preceding the date of application.

5505.4 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

5505.5 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S or to review disciplinary records.

#### **5506 LICENSURE BY RE-ENTRY PROGRAM**

5506.1 A health professional who fails to apply for reinstatement of a District of Columbia practical nursing license within five (5) years after the license expires, and who is not currently licensed to practice practical nursing under the laws of a state or territory of the United States, may apply for licensure to practice practical nursing in the District of Columbia under licensure by re-entry program.

5506.2 To apply for licensure by re-entry program, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:

- (1) The applicant's social security number on the application; and
- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly exposes the area from the top of the forehead to the bottom of the chin.

- (b) Submit proof of completion of a re-entry program approved by the Board;

- (c) Submit any other required documents; and

- (d) Pay all required fees.

5506.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

#### **5507 REACTIVATION OF AN INACTIVE LICENSE**

5507.1 A licensee in an inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-1205.11, may apply for reactivation of the license by submitting a completed

application on the forms required by the Board and paying the required fees.

5507.2 A licensee in inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-1205.11, for twelve (12) months or more, who submits an application to reactivate a license shall:

(a) Submit proof as set forth in § 5508.7 of having completed nine (9) hours of continuing education in the licensee's current area of practice for each year, or any portion thereof, the license was in inactive status up to a maximum of eighteen (18) hours of continuing education. Only continuing education taken in the two (2) years immediately preceding the application date will be accepted; or

(b) Submit proof of a current license in good standing to practice practical nursing from a state or territory of licensure in the United States. Verification of good standing must be sent directly to the Board by the verifying Board.

5507.3 A licensee in an inactive status, pursuant to § 511 of the Act, D.C. Official Code § 3-1205.11, for two (2) years or more, who submits an application to reactivate a license shall:

(a) Submit proof as set forth in § 5508.7 of having completed nine (9) hours of continuing education in the licensee's current area of practice for each year, or any portion thereof, the license was in inactive status up to a maximum of eighteen (18) hours of continuing education. Only continuing education taken in the two (2) years immediately preceding the application date will be accepted;

(b) Submit proof of completion of a re-entry program approved by the Board; or

(c) Submit proof of a current license in good standing to practice practical nursing from a state or territory of licensure in the United States. Verification of good standing must be sent directly to the Board by the verifying Board.

## **5508 REINSTATEMENT OF AN EXPIRED LICENSE**

5508.1 An applicant for reinstatement of a license shall:

(a) Submit proof as set forth in § 5510 of having completed eighteen (18) hours of continuing education in the applicant's current area of practice in the two years immediately preceding the application date; and

(b) Meet any other requirements that the Board may set forth to determine whether the license should be reinstated.

5508.2 An applicant for reinstatement of a license shall submit the required documents and completed forms required by the Board and pay the required fees.

- 5508.3 The Board shall not reinstate the license of an applicant who fails to apply for reinstatement of the license within five (5) years after the license expires. The applicant shall apply, and meet the requirements in existence at that time, for licensure by examination or endorsement.

**5509 RENEWAL OF A LICENSE**

- 5509.1 A licensee shall renew his or her license by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the license.
- 5509.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the license expires.
- 5509.3 A licensee shall have the burden of notifying the Board if a renewal notice is not received.
- 5509.4 A licensee shall notify the Board in writing of a change of home or business address within thirty (30) days after the change.
- 5509.5 A licensee applying for renewal shall submit proof of completion of eighteen (18) contact hours of continuing education in the licensee's current area of practice commencing with the renewal period of 2005. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.
- 5509.6 A licensee applying for renewal of a license who fails to submit proof of having completed the continuing education requirements by the date the license expires may renew the license within sixty (60) days after the date of expiration by submitting proof pursuant to § 5510 and by paying the required late fees.
- 5509.7 Upon submitting proof and paying the required late fees, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documents and fees.
- 5509.8 If a licensee applying for renewal of a license fails to submit proof of completion of the continuing education requirements, or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration and the health care professional shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.
- 5509.9 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the licensee's failure to submit proof of completion of the continuing education or pay the late fee was for good cause. As



used in this section "good cause" includes the following:

- (a) Serious and protracted illness of the licensee; and
- (b) The death or serious and protracted illness of a member of the licensee's immediate family.

5509.10 The Board may, in its discretion, waive continuing education requirements for a licensee who submits proof of:

- (a) Serving as a speaker at an approved continuing education program. The presentation shall have been completed during the period for which credit is claimed; or
- (b) Being the author or editor of a published periodical, if the periodical has been published or accepted for publication during the period for which credit is claimed.

5509.11 If a licensee has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless the presentation involved either a different subject or substantial additional research concerning the same subject.

## **5510 CONTINUING EDUCATION**

5510.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional and competence in the practice of practical nursing and which meet the other requirements of this section.

5510.2 Continuing education credit may be granted only for programs or activities approved by the Board.

5510.3 The Board shall maintain a list of approved continuing education programs which shall be available to the public during regular business hours and posted on the Department's internet website.

5510.4 A licensee shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to enrolling in a program.

5510.5 At the request of a licensee, or the sponsor of a continuing education program, the Board may approve the following types of continuing education programs if the programs meet the requirements of this section:

- (a) An undergraduate course or graduate course given at an accredited college or

university;

- (b) A conference, course, seminar, or workshop;
- (c) An educational course offered through the Internet; or
- (d) Other programs approved by the Board which meet the requirements of this section.

5510.6 To qualify for approval by the Board, a continuing education program shall meet the following requirements:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
  - (1) Be administered and approved by a registered nurse, nursing organization, or health services organization that is recognized by the Board; or
  - (2) Be administered and approved by a health care facility, institution, or organization, or a college, school or university that is accredited by the Secretary of the United States Department of Education or the Council on Post Secondary Education or the American Nurses Credentialing Council (ANCC).

5510.7 A licensee shall submit the following information with respect to each program for which continuing education is claimed, on a form required by the Board:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the name(s) of the instructor(s);
- (c) The date(s) on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Attach a verification form signed and stamped by the program sponsor.

5510.8 The Board shall grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

5510.9 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of

credit shall constitute ten (10) hours of continuing education credit.

**5511 SUPERVISED PRACTICE OF STUDENTS**

- 5511.1 A student may practice practical nursing only in accordance with the Act and this chapter.
- 5511.2 A student who is fulfilling educational requirements under § 103(c) of the Act, D.C. Official Code § 3-1201.3, shall be authorized to engage in the supervised practice of practical nursing without a District of Columbia license.
- 5511.3 Only a registered nurse licensed under the Act, who is an appointed faculty member of the accredited school, college, or university, or a preceptor meeting the qualifications set forth in chapter 56 of this title, shall be authorized to supervise the practice of practical nursing by a student.
- 5511.4 A student who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, a health education center, or other health care facility considered appropriate by the school, college, or university.
- 5511.5 All supervised practice of a student shall take place under general or immediate supervision of a registered nurse.
- 5511.6 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or other jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5511.7 A student practicing under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5511.8 A student shall identify himself or herself as such before practicing as a practical nurse. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5511.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5511.10 The appointed supervising faculty member shall be fully responsible for all practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 5511.11 The Board may deny an application for licensure by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act,

revoke, suspend, or restrict the privilege of the student to practice.

**5512 SUPERVISED PRACTICE OF GRADUATE NURSES**

5512.1 A graduate nurse may practice practical nursing only in accordance with the Act and this chapter.

5512.2 An individual may be authorized to engage in the supervised practice of practical nursing, as a graduate nurse, without a District of Columbia license if the individual:

- (a) Graduated from a nursing program pursuant to § 5502.1, or has met the requirements set forth in § 5503;
- (b) Has never taken the NCLEX-PN exam; and
- (c) Has an initial application pending for licensure by examination in the District of Columbia.

5512.3 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5512.4 Within five (5) business days after the application for licensure by exam has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance; or
- (b) Upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest.

5512.5 Upon receipt of the practice letter, the graduate nurse shall inform employers of the date of expiration of the letter and shall immediately cease professional nursing practice on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest. The graduate nurse thereafter may practice in a non-professional healthcare occupation, until receipt of a license or issuance of a license number.

5512.6 Only a registered nurse licensed under the Act, who is a supervisor, shall be authorized to supervise the practice of practical nursing by a graduate nurse.

5512.7 All supervised practice of a graduate nurse shall take place under general or immediate supervision.

- 5512.8 A graduate nurse who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate and approved by the Board.
- 5512.9 A graduate nurse shall not be eligible to practice practical nursing in any of the following settings;
- (a) Correctional Facility;
  - (b) Dialysis Center;
  - (c) Home Health Agency;
  - (d) Community Residential Facility;
  - (e) Nursing Staffing Agency;
  - (f) Medical Group Practice;
  - (g) School, (as a school nurse); and
  - (h) Any other setting that does not meet the requirements of § 5512.8.
- 5512.10 A graduate nurse practicing under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5512.11 A graduate nurse shall identify himself or herself as such before engaging in the supervised practice of practical nursing. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5512.12 A graduate nurse shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5512.13 The supervisor shall be fully responsible for the practice by a graduate nurse during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the graduate nurse.
- 5512.14 The Board may deny an application for licensure by, or take other disciplinary action against, a graduate nurse who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate nurse to practice.

- 5513 SUPERVISED PRACTICE OF APPLICANTS FOR LICENSURE BY ENDORSEMENT**
- 5513.1 An applicant may practice practical nursing only in accordance with the Act and this chapter.
- 5513.2 An applicant for licensure by endorsement shall be authorized to engage in the supervised practice of practical nursing in the District of Columbia without a District of Columbia license if the applicant:
- (a) Is currently licensed, in good standing, as a practical nurse under the laws of a state or territory of the United States;
  - (b) Is a graduate of a program approved in accordance with § 5502.1, or can demonstrate competency in English pursuant to § 5505.3; and
  - (c) Has an initial application pending for licensure by endorsement in the District of Columbia.
- 5513.3 A person who has been denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5513.4 Within five (5) business days after the application for licensure by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance; or
  - (b) Upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest.
- 5513.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease professional nursing practice in the District on that date or upon receipt of written notice from the Board that the application for licensure has been denied, whichever date is the earliest. The applicant thereafter may practice in a non-professional healthcare occupation, until receipt of a District of Columbia license to practice practical nursing.
- 5513.6 Only a registered nurse licensed under the Act, who is a supervisor, may be authorized to supervise the practice of practical nursing by an applicant.

- 5513.7 All supervised practice of an applicant shall take place under general or immediate supervision.
- 5513.8 An applicant who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, academic institution; or other health care facility considered appropriate by the Board.
- 5513.9 An applicant shall not be eligible to practice practical nursing in any of the following settings:
- (a) Correctional Facility;
  - (b) Dialysis Center;
  - (c) Home Health Agency;
  - (d) Community Residential Facility;
  - (e) Nursing Staffing Agency;
  - (f) Medical Group Practice;
  - (g) School, (as a school nurse); and
  - (h) Any other setting that cannot meet the requirements of § 5513.8
- 5513.10 An applicant practicing under this section shall not assume administrative or technical responsibility for the operation of a nursing program, unit, service, or institution.
- 5513.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5513.12 The supervisor shall be fully responsible for the practice by an applicant during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the applicant.
- 5513.13 The Board may deny an application for licensure by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

**5514 SCOPE OF PRACTICE**

5514.1 The practice of practical nursing means the following:

- (a) The performance of actions of preventive health care, health maintenance, and the care of persons who are ill, injured, or experiencing alterations in health processes at the direction of the delegating or supervisory registered nurse; and
- (b) The basic knowledge, judgment, and skills in nursing procedures gained through successful completion of an approved educational program in practical nursing.

5514.2 A practical nurse shall accept only those assigned nursing activities and responsibilities as set forth in the Act and this chapter, which the practical nurse can safely perform. That acceptance shall be based on the following requirements in each practice setting which shall include:

- (a) The qualifications of the practical nurse in relation to the client's needs and the integrated plan of care, including:
  - (1) Basic education and preparation of the practical nurse; and
  - (2) Knowledge and skills subsequently acquired through continuing education and practice.
- (b) The degree of supervision by a registered nurse;
- (c) The stability of each of the clients' condition;
- (d) The complexity and frequency of nursing intervention to address the needs of the client or client group;
- (e) The accessible resources within the agency or facility; and
- (f) The established policies, procedures, standards of practice, and communication channels, which lend support to the model of nursing services offered by the agency or facility.

5514.3 The practice of practical nursing shall include the following:

- (a) Participating in the performance of the ongoing comprehensive nursing assessment process of the client's biological, physiological, and behavioral health, including the client's reaction to an illness, injury, and treatment regimens by collecting data and performing focused nursing assessments;
- (b) Recording and reporting the findings and results of the ongoing nursing assessment process;



- (c) Participating in the development and modification of the client-centered plan of care;
- (d) The administration of medication and treatment as prescribed by a legally authorized health care professional, licensed in the District of Columbia, and that is within the scope of practice of a practical nurse;
- (e) Implementing appropriate aspects of the integrated plan of care in which the practical nurse is knowledgeable, skilled, and competent to perform and that is within the scope of practice of the practical nurse;
- (f) Participating in the nursing care management through assigning and directing nursing interventions that may be performed by unlicensed, trained personnel;
- (g) Participating in the evaluation of the client response and outcome to interventions;
- (h) Promoting and maintaining a safe and therapeutic environment;
- (i) Participating in health teaching and counseling to promote, attain, and maintain the optimum health level of the client;
- (j) Communicating and collaborating with other health care team members and other professionals;
- (k) Monitoring intravenous infusion;
- (l) Inserting nasogastric tubes; and
- (m) Other acts or services which are beyond the basic education of a practical nurse as approved by the Board. The acts or services shall be commensurate with the practical nurse's experience, continuing education, and demonstrated competencies.

5514.4 A practical nurse shall not:

- (a) Function as a director of nursing or as an administrator of nursing;
- (b) Supervise the clinical practice of a registered nurse;
- (c) Supervise the practice of a graduate nurse or student; or
- (d) Administer the following medications:
  - (1) Intravenous "IV" push;

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(2) Investigational or Toxins; or

(3) Blood and Blood Products.

5514.5 A practical nurse may perform infusion therapy upon successfully completing an approved program of infusion therapy approved by the Board and if the following requirements are met:

- (a) The Administrator of Nursing Services has developed policies, procedures and practice standards which govern the practice of infusion therapy;
- (b) The supervisor maintains documentation to validate the competency of the practical nurse; and
- (c) A registered nurse is present in the agency, facility or on the unit when the practical nurse is performing infusion therapy.

5514.6 A practical nurse may perform the following infusion therapy acts:

- (a) Insertion of a peripheral intravenous catheter that is no more than three (3) inches in length;
- (b) Discontinuing peripheral intravenous catheters that are no more than three (3) inches in length;
- (c) Initiation of prescribed intravenous fluids;
- (d) Calculating and adjusting intravenous flow rate, including infusion pumps;
- (e) Adding intravenous fluids to an established peripheral line. Fluids must be non-medicated, commercially prepared or prepared by a licensed pharmacist. Accepted fluids are limited to those fluids that are generally used as maintenance, and isotonic in nature;
- (f) Administering pharmacy prepared medications;
- (g) Insertion of heparin locks, including flushing with normal saline or heparin 100 units;
- (h) Venipuncture or withdrawal of a blood specimen from a peripheral catheter site; and
- (i) Changing of injection cap or intravenous tubing for peripheral lines only.

- 5514.7 A practical nurse shall wear a picture identification badge with lettering clearly visible to a client bearing the name of the practical nurse and the title "Licensed Practical Nurse" or "L.P.N."

**5515 ASSIGNMENT OF NURSING INTERVENTIONS**

- 5515.1 A practical nurse may assume the responsibilities of assigning, directing, and evaluating nursing interventions to be performed by other practical nurses and unlicensed trained personnel, after the delegating or supervisory registered nurse has met the following requirements:

- (a) Development of a plan of nursing strategies to be integrated within the client-centered plan of care that identifies the needs of the client, nursing diagnoses, and prescribed nursing interventions; and
- (b) Implementation of the client-centered plan of care, including an identification of those interventions and activities that the practical nurse has the necessary skills and competence to accomplish safely.

- 5515.2 A practical nurse may assign and direct the following types of nursing activities and interventions:

- (a) Activities and interventions whose results are predictable and whose potential for risk is minimal;
- (b) Activities and interventions that frequently recur in the daily care of the client; and
- (c) Activities and interventions that utilize a standard and unchanging procedure.

- 5515.3 A practical nurse that is responsible for assigning and directing other practical nurses and unlicensed trained personnel shall provide initial instructions, monitor the nursing services, evaluate the outcome of the assigned activity or intervention, and provide feedback to the delegating or supervisory registered nurse.

**5516 STANDARDS OF CONDUCT**

- 5516.1 A practical nurse shall adhere to the standards set forth in the "Code of Ethics for Nurses" as published by the American Nurses Association, as they may be amended or republished from time to time.

- 5516.2 A practical nurse shall respect the client's right to privacy by protecting confidential information unless obligated or allowed by law to disclose the information.

- 5516.3 A practical nurse shall not accept or perform professional responsibilities that the

nurse is not competent to perform.

- 5516.4 A practical nurse shall not, after accepting an assignment or responsibility for a client's care, and without giving adequate notice to the supervisor so that arrangements can be made for continuation of nursing care by others:
- (a) Unilaterally sever the established nurse-client relationship;
  - (b) Leave a client for a length of time, or in a manner, that exposes the client unnecessarily to risk of harm; or
  - (c) Leave a nursing assignment.
- 5516.5 A practical nurse shall know, recognize, and maintain professional boundaries of the nurse-client relationship.
- 5516.6 A practical nurse shall report unsafe nursing practice by a nurse that he or she has reasonable cause to suspect has exposed or is likely to expose a client unnecessarily to risk of harm as a result of failing to provide client care that conforms to the minimum standards of acceptable and prevailing professional practice. The practical nurse shall report such conduct to the appropriate authority within the facility, or to the Board.
- 5516.7 A practical nurse shall provide nursing services, without discrimination, regardless of the age, disability, economic status, gender, national origin, race, religion, or health problems of the client served.

**5599 DEFINITIONS**

- 5599.1 As used in this chapter, the following terms have the meanings ascribed:

**Act**— Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*).

**Administrator for Nursing Services** — the licensed registered nurse responsible for planning, directing, and controlling the operation of nursing service within an agency, health care facility, or setting in which nursing care is being offered or provided.

**Activity of Daily Living (ADL)** — getting in and out of bed, bathing, dressing, eating, walking, and taking medications prescribed for self-administration.

**Agency** — any person, firm, corporation, partnership, or other business entity engaged in the business of referring nursing personnel, as employees or independent contractors, to a health care facility for the purpose of rendering temporary nursing services.

**Applicant** – person applying for a license to practice practical nursing under this chapter.

**Assignment** – the transference from the practical nurse to another individual, the authority to act on behalf of the practical nurse in the performance of a nursing intervention, while the practical nurse retains the accountability and responsibility for the assigned act and providing feedback to the delegating or supervisory registered nurse.

**Board** – the Board of Nursing, established by § 204 of the Act, D.C. Official Code § 1202.04.

**Competence** – the state or quality of being capable of performing a task or function as the result of having the required knowledge, skills, and ability.

**Complex Interventions** – those interventions that require nursing judgment to safely alter standard procedures in accordance with the needs of the client, require nursing judgment to determine how to proceed from one step to the next, or require implementation of the nursing process.

**Educational Program** – a program accredited by a recognized nursing body approved by the board that leads to a diploma, associate degree, or baccalaureate degree in nursing.

**General Supervision**– supervision in which the supervisor is available on the premises and within vocal communication either directly or by a communication device at the time the trained unlicensed personnel, or licensed practical nurse is practicing.

**Graduate Nurse**-- an individual who has graduated from a nursing program for practical nursing, who has never taken the NCLEX-PN exam, and whose application for a license by examination in the District of Columbia is pending.

**Health Professional** – a person who holds a license, certificate, or registration issued under the authority of this title or the Act.

**Immediate Supervision**-- supervision in which the supervisor is with the trained unlicensed personnel or licensed practical nurse and either discussing or observing the person's practice.

**Nursing Intervention** - the initiation and completion of a client focused action necessary to accomplish the goal(s) defined in the client-centered plan of care.

**Practical Nurse** – a person licensed to practice practical nursing under the Act and this chapter.

**Re-entry program**-- a formal program of study with both didactic and clinical components, designed to prepare a nurse who has been out of practice to re-enter into nursing practice at the practical nurse level.

**Registered Nurse** -- a person licensed to practice registered nursing under the Act and chapter 54 of this title.

**Remedial Course** -- an organized and planned program of study which provides a review of basic preparation and current developments in the practice of practical nursing.

**Review Course** -- a course of study providing review of basic preparation for the NCLEX-PN examination.

**Supervisor**-- a registered nurse licensed under the Act who is responsible and accountable for assigning, directing, evaluating and managing a unit, service or program that offers or provides nursing care and who is responsible for the supervision of trained unlicensed personnel, students, graduate nurses or other licensed nurses.

**Trained Unlicensed Personnel** -- an individual who is not licensed to practice nursing, but has been trained to function in an assistant or subordinate role to the registered or practical nurse in providing nursing care.

5599.2      The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)) ("Act"), and Mayor's Order 98-140, dated August 20, 1998, gives notice of the intent to take final rulemaking action to adopt the following amendments to chapters 57, 58, 59, and 60 of Title 17 of the District of Columbia Municipal Regulations (DCMR). Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the amendments is to allow applicants to obtain certification by endorsement, to clarify the requirements for renewal of certification, to include a standard of conduct section, and to clarify the requirements for the supervised practice of students, graduates, and applicants prior to certification.

**The following rulemaking action is proposed:**

**Title 17 of the District of Columbia Municipal Regulations (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Section 5703 is amended to read as follows:**

**5703 RENEWAL OF CERTIFICATE**

- 5703.1 A holder of a certificate to practice as a certified registered nurse-anesthetist shall renew his or her certificate by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the certificate.
- 5703.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the certificate expires.
- 5703.3 A certificate holder shall have the burden of notifying the Board if a renewal notice is not received.
- 5703.4 A certificate holder shall notify the Board in writing of a change of home or business address within thirty (30) days after the change.
- 5703.5 A certificate holder applying for renewal of a certificate to practice nurse-anesthesia shall:
- (a) Maintain current licensure as a registered nurse in the District of Columbia;
  - (b) Submit evidence of current national certification or recertification, as

applicable, by the Council on Certification of Nurse Anesthetists (CCNA) or Council on Recertification of Nurse Anesthetists (CRNA) or other national certifying body approved by the Board; and

- (c) Beginning with the 2006 renewal period, submit proof of completion of fifteen (15) contact hours of continuing education, which shall include a pharmacology component. A continuing education program, course, seminar, or workshop shall be approved by the American Association of Nurse Anesthetists (AANA) or other nationally certifying organization recognized by the Board and shall be related to the certificate holder's specialty. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.

- 5703.6 A certificate holder shall submit a verification form of completion, for each program, course, seminar, or workshop for which continuing education is claimed.
- 5703.7 A certificate holder applying for renewal of a certificate who fails to submit proof of having completed the requirements as set forth in § 5703.5 by the date the certificate expires may renew the certificate within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.
- 5703.8 Upon submitting the required documents and paying the required late fees, the certificate holder shall be deemed to have possessed a valid certificate during the period between the expiration of the certificate and the submission of the required documents and fees.
- 5703.9 If a certificate holder applying for renewal of a certificate fails to submit proof of completion of the requirements as set forth in § 5703.5 or pay the late fee within sixty (60) days after the expiration of the certificate holder's certificate, the certificate shall be considered to have lapsed on the date of expiration and the certificate holder shall thereafter be required to apply for reinstatement of an expired certificate and meet all requirements and fees for reinstatement.
- 5703.10 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the certificate after expiration, if the certificate holder's failure to submit proof of the requirements or pay the late fee was for good cause. As used in this section "good cause" includes the following:
  - (a) Serious and protracted illness of the certificate holder; and
  - (b) The death or serious and protracted illness of a member of the certificate holder's immediate family.



**Section 5705.1 is amended to read as follows:**

- 5705.1 In addition to the requirements in § 5701 and § 5704, to qualify for a certificate to practice as a certified registered nurse-anesthetist in the District of Columbia, an applicant shall receive a passing score on the national certification examination by the Council on Certification of Nurse Anesthetists or any other nationally recognized certifying body accepted by the Board.

**Section 5706 is amended to read as follows:****5706 CERTIFICATION BY ENDORSEMENT**

- 5706.1 An applicant is eligible for certification by endorsement if the applicant is currently licensed or certified, in good standing, as a registered nurse anesthetist under the laws of a state or territory of the United States.
- 5706.2 To apply for certification by endorsement, an applicant shall:
- (a) Submit a completed application on the forms required by the Board;
  - (b) Submit a copy of his or her current license or certificate as a certified-registered nurse anesthetist with the application;
  - (c) Obtain licensure or certification verification from the current state or territory of licensure or certification, that the license or certificate is current and in good standing. The verification form must be sent directly to the Board by the verifying Board;
  - (d) Meet any other requirements as set forth by the Board; and
  - (e) Pay all required fees.
- 5706.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.
- 5706.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.

**A new section 5707 is added to read as follows:****5707 STANDARDS OF CONDUCT**

- 5707.1 A certified-registered anesthetist nurse shall adhere to the standards set forth in the American Nurses Association's "Code of Ethics," as they may be amended or republished from time to time.

**Section 5711 is repealed.**

**A new section 5714 is added to read as follows:**

**5714 SUPERVISED PRACTICE OF STUDENTS**

- 5714.1 A student may practice nurse-anesthesia only in accordance with the Act and this chapter.
- 5714.2 A student fulfilling education requirements for certification and practicing within the limitations set forth in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c), may be authorized to engage in the supervised practice of nurse-anesthesia without a District of Columbia certificate.
- 5714.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5714.4 Only a registered nurse anesthetist certified under the Act, who is an appointed faculty member of the accredited school or college, or a preceptor meeting the requirements set forth in chapter 56 of this Title, shall be authorized to supervise the practice of nurse-anesthesia by a student.
- 5714.5 A student who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 5714.6 All supervised practice of a student shall take place under general or immediate supervision.
- 5714.7 A student practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-anesthesiology program, unit, service, or institution.
- 5714.8 A student shall identify himself or herself as such before practicing as a registered nurse anesthetist. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.

- 5714.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5714.10 The supervisor or preceptor, as applicable, shall be fully responsible for the practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 5714.11 The Board may deny an application for certification by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

**A new section 5715 is added to read as follows:**

**5715 SUPERVISED PRACTICE OF GRADUATES**

- 5715.1 A graduate may practice nurse-anesthesia only in accordance with the Act and this chapter.
- 5715.2 An individual may be authorized to engage in the supervised practice of nurse-anesthesia, as a graduate registered nurse-anesthetist, without a District of Columbia certificate if the individual:
- (a) Graduated from a post-basic nursing education program in nurse anesthesia approved by the AANA or other certifying body approved by the board;
  - (b) Is awaiting the results of the certification examination given by the AANA or other certifying body approved by the board; and
  - (c) Has an initial application pending for certification to practice nurse-anesthesia in the District of Columbia.
- 5715.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5715.4 Within five (5) business days after the application for certification has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice

under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance;
- (a) Upon receipt of written notice to the applicant of denial of certification by AANA;
- (b) Upon receipt of notice to the applicant that the applicant has failed the certification examination; or
- (c) Upon receipt of written notice to the applicant from the Board that the application for certification has been denied, whichever date is the earliest.

5715.5 Upon receipt of the practice letter, the graduate shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse anesthesia on that date or upon receipt of written notice as set forth in § 5715.4, whichever date is the earliest. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse anesthesia in the District.

5715.6 The graduate shall immediately notify the Board and the graduate's supervisor of the results of the certification examination.

5715.7 Only a registered nurse anesthetist certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-anesthesia by a graduate.

5715.8 A supervisor shall not supervise more than two (2) graduates at one time.

5715.9 All supervised practice of a graduate shall take place under general or immediate supervision.

5715.10 A graduate who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate and approved by the Board.

5715.11 A graduate practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-anesthesiology program, unit, service, or institution.

5715.12 A graduate shall identify himself or herself as such before practicing as a registered nurse anesthetist. A graduate shall wear a picture identification

badge with lettering clearly visible to the client bearing the name of the graduate and the position title.

- 5715.13 A graduate shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5715.14 The supervisor shall be fully responsible for the practice by a graduate during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the graduate.
- 5715.15 The Board may deny an application for certification by, or take other disciplinary action against, a graduate who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate to practice.

**A new section 5716 is added to read as follows:**

**5716 SUPERVISED PRACTICE OF APPLICANTS FOR  
CERTIFICATION BY ENDORSEMENT**

- 5716.1 An applicant may practice nurse-anesthesia only in accordance with the Act and this chapter.
- 5716.2 An applicant for certification by endorsement shall be authorized to engage in the supervised practice of nurse anesthesia in the District of Columbia without a District of Columbia certificate if the applicant:
- (a) Is currently certified by the Council on Certification of Nurse Anesthesia or a certifying body approved by the Board;
  - (b) Is currently licensed, in good standing, under the laws of a state or territory of the United States; and
  - (c) Has an initial application pending for certification by endorsement to practice nurse-anesthesia in the District of Columbia.
- 5716.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5716.4 Within five (5) business days after the application for certification by endorsement has been received by the Board's staff, the Board's staff shall

issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance; or
- (b) Upon receipt of written notice from the Board that the application for certification has been denied, whichever date is the earliest.

5716.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse anesthesia on that date or upon receipt of the written notice as set forth in § 5716.4. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse anesthesia in the District.

5716.6 Only a registered nurse anesthetist certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-anesthesia by an applicant.

5716.7 A supervisor shall not supervise more than two (2) applicants at one time.

5716.8 All supervised practice of an applicant shall take place under general or immediate supervision.

5716.9 An applicant who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.

5716.10 An applicant practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-anesthesiology program, unit, service, or institution.

5716.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.

5716.12 The supervisor shall be fully responsible for the practice by an applicant during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the applicant.

5716.13 The Board may deny an application for a certificate by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of

the applicant to practice.

**Section 5799.1 is amended to add the following:**

**Act**— Health Occupation Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 et seq.).

**Graduate**— an individual who has graduated from a post-basic nursing education program for nurse anesthesia.

**Section 5803 is amended to read as follows:**

**5803 RENEWAL OF CERTIFICATE**

- 5803.1 A holder of a certificate to practice as a certified nurse-midwife shall renew his or her certificate by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the certificate.
- 5803.2 The Board’s staff shall mail out applications for renewal at least sixty (60) days prior to the date the certificate expires.
- 5803.3 A certificate holder shall have the burden of notifying the Board if a renewal notice is not received.
- 5803.4 A certificate holder shall notify the Board in writing of a change in home or business address within thirty (30) days after the change.
- 5803.5 A certificate holder applying for renewal of a certificate to practice nurse-midwifery shall:
- (a) Maintain current licensure as a registered nurse in the District of Columbia;
  - (b) Submit evidence of current national certification or recertification as applicable by the American College of Nurse-Midwives Certifying Council, Inc. (ACNM) or other national certifying body approved by the Board; and
  - (c) Beginning with the 2006 renewal period, submit proof of completion of fifteen (15) contact hours of continuing education, which shall include a pharmacology component. A continuing education program, course, seminar, or workshop shall be approved by the ACNM or other nationally certifying organization recognized by the Board and shall be related to the certificate holder’s specialty. Only

continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.

- 5803.6 A certificate holder shall submit a verification form of completion, for each program, course, seminar, or workshop for which continuing education is claimed.
- 5803.7 A certificate holder applying for renewal of a certificate who fails to submit proof of having completed the requirements as set forth in § 5803.5 by the date the certificate expires may renew the certificate within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.
- 5803.8 Upon submitting the required documents and paying the required late fees, the certificate holder shall be deemed to have possessed a valid certificate during the period between the expiration of the certificate and the submission of the required documents and fees.
- 5803.9 If a certificate holder applying for renewal of a certificate fails to submit proof of completion of the requirements as set forth in § 5803.5 or pay the late fee within sixty (60) days after expiration of the certificate holder's certificate, the certificate shall be considered to have lapsed on the date of expiration and the certificate holder shall thereafter be required to apply for reinstatement of an expired certificate and meet all requirements and fees for reinstatement.
- 5803.10 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the certificate after expiration, if the certificate holder's failure to submit proof of the requirements or pay the late fee was for good cause. As used in this section "good cause" includes the following:
- (a) Serious and protracted illness of the certificate holder; and
  - (b) The death or serious and protracted illness of a member of the certificate holder's immediate family.

**Section 5805.1 is amended to read as follows:**

- 5805.1 In addition to the requirements in § 5801 and § 5804, to qualify for a certificate to practice as a certified nurse-midwife in the District of Columbia, an applicant shall receive a passing score on the national certification examination by the ACNM or any other nationally recognized certifying body accepted by the Board.



**Section 5806 is amended to read as follows:**

**5806 CERTIFICATION BY ENDORSEMENT**

- 5806.1 An applicant is eligible for certification by endorsement if the applicant is currently licensed or certified, in good standing, as a nurse-midwife under the laws of a state or territory of the United States.
- 5806.2 To apply for certification by endorsement, an applicant shall:
- (a) Submit a completed application on the forms required by the Board;
  - (b) Submit a copy of his or her current license or certificate as a certified nurse-midwife with the application;
  - (c) Obtain licensure or certification verification from the current state or territory of licensure or certification, that the license or certificate is current and in good standing. The verification form must be sent directly to the Board by the verifying Board;
  - (d) Meet any other requirements as set forth by the Board; and
  - (e) Pay all required fees.
- 5806.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.
- 5806.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.

**A new section 5807 is added to read as follows:**

**5807 STANDARDS OF CONDUCT**

- 5807.1 A certified nurse-midwife shall adhere to the standards set forth in the American College of Nurse Midwives' "Code of Ethics" as they may be amended or republished from time to time.

**Section 5809.1 is amended to read as follows:**

- 5809.1 A certified nurse-midwife shall have authority to prescribe legend drugs and controlled substances subject to the limitations set forth in § 5810.

Section 5811 is repealed.

A new section 5814 is added to read as follows:

**5814 SUPERVISED PRACTICE OF STUDENTS**

- 5814.1 A student may practice nurse-midwifery only in accordance with the Act and this chapter.
- 5814.2 A student fulfilling education requirements for certification and practicing within the limitations set forth in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c), may be authorized to engage in the supervised practice of nurse-midwifery without a District of Columbia certificate.
- 5814.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5814.4 Only a nurse-midwife certified under the Act, who is an appointed faculty member of the accredited school or college, or a preceptor meeting the requirements set forth in chapter 56 of this Title, shall be authorized to supervise the practice of nurse-midwifery by a student.
- 5814.5 A student who practices pursuant to this section shall only practice at a hospital, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 5814.6 All supervised practice of a student shall take place under general or immediate supervision.
- 5814.7 A student practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service, or institution.
- 5814.8 A student shall identify himself or herself as such before practicing as a student nurse-midwife. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5814.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5814.10 The supervisor or preceptor, as applicable, shall be fully responsible for the practice by a student during the period of supervision and may be

subject to disciplinary action for violations of the Act or this chapter by the student.

- 5814.11 The Board may deny an application for certification by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

**A new section 5815 is added to read as follows:**

**5815 SUPERVISED PRACTICE OF GRADUATES**

- 5815.1 A graduate may practice nurse-midwifery only in accordance with the Act and this chapter.
- 5815.2 An individual shall be authorized to engage in the supervised practice of nurse-midwifery, as a graduate nurse-midwife, without a District of Columbia certificate if the individual:
- (a) Graduated from a post-basic nursing education program in nurse-midwifery approved by the ACNM or other certifying body approved by the board;
  - (b) Is awaiting the results of the certification examination given by the ACNM or other certifying body approved by the board; and
  - (c) Has an initial application pending for certification to practice nurse-midwifery in the District of Columbia.
- 5815.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5815.4 Within five (5) business days after the application for certification has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorize to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance;
  - (b) Upon receipt of written notice to the applicant of denial of certification;

- (c) Upon receipt of notice to the applicant that the applicant has failed the certification examination; or
- (d) Upon receipt of written notice to the applicant from the Board that the application for certification has been denied, whichever date is the earliest.

- 5815.5 Upon receipt of the practice letter, the graduate shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse-midwifery on that date or upon receipt of written notice as set forth in § 5815.4, whichever date is the earliest. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse-midwifery in the District.
- 5815.6 The graduate shall immediately notify the Board and the graduate's supervisor of the results of the certification examination.
- 5815.7 Only a nurse-midwife certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-midwifery by a graduate.
- 5815.8 A supervisor shall not supervise more than two (2) graduates at one time.
- 5815.9 All supervised practice of a graduate shall take place under general or immediate supervision.
- 5815.10 A graduate who practices pursuant to this section shall only practice at a hospital, a health facility operated by the District or federal government, or other health care facility considered appropriate and approved by the Board.
- 5815.11 A graduate practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service, or institution.
- 5815.12 A graduate shall identify himself or herself as such before practicing as a nurse-midwife. A graduate shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the graduate and the position title.
- 5815.13 A graduate shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5815.14 The supervisor shall be fully responsible for the practice by a graduate

during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the graduate.

- 5815.15 The Board may deny an application for certification by, or take other disciplinary action against, a graduate who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate to practice.

**A new section 5816 is added to read as follows:**

**5816 SUPERVISED PRACTICE OF APPLICANTS FOR  
CERTIFICATION BY ENDORSEMENT**

- 5816.1 An applicant may practice nurse-midwifery only in accordance with the Act and this chapter.
- 5816.2 An applicant for certification by endorsement shall be authorized to engage in the supervised practice of nurse-midwifery in the District of Columbia without a District of Columbia certificate if the applicant:
- (a) Is currently certified by the ACNM or a certifying body approved by the Board;
  - (b) Is currently licensed, in good standing, under the laws of a state or territory of the United States; and
  - (c) Has an initial application pending for certification by endorsement to practice nurse-midwifery in the District of Columbia.
- 5816.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5816.4 Within five (5) business days after the application for certification by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance; or
  - (b) Upon receipt of written notice from the Board that the application for certification has been denied, whichever date is the earliest.

- 5816.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse-midwifery on that date or upon receipt of written notice as set forth in § 5816.4, whichever date is the earliest. The applicant thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse-midwifery in the District.
- 5816.6 Only a nurse-midwife certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-midwifery by an applicant.
- 5816.7 A supervisor shall not supervise more than two (2) applicants at one time.
- 5816.8 All supervised practice of an applicant shall take place under general or immediate supervision.
- 5816.9 An applicant who practices pursuant to this section shall only practice at a hospital, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 5816.10 An applicant under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service, or institution.
- 5816.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5816.12 The supervisor shall be fully responsible for the practice by an applicant during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the applicant.
- 5816.13 The Board may deny an application for a certificate by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

**Section 5899.1 is amended to add the following:**

**Act**— Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 et seq.).

**Graduate**— an individual who has graduated from a post-basic nursing education program for nurse midwifery.

Section 5903 is amended to read as follows:

**5903 RENEWAL OF CERTIFICATE**

- 5903.1 A holder of a certificate to practice as a nurse-practitioner shall renew his or her certificate by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the certificate.
- 5903.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the certificate expires.
- 5903.3 A certificate holder shall have the burden of notifying the Board if a renewal notice is not received.
- 5903.4 A certificate holder shall notify the Board in writing of a change of home or business address within thirty (30) days of the change.
- 5903.5 A certificate holder applying for renewal of a certificate to practice as a nurse-practitioner shall:
- (a) Maintain current licensure as a registered nurse in the District of Columbia;
  - (b) Submit evidence of current national certification or recertification, as applicable, by the American Nurses Credentialing Center (ANCC) or other national certifying body approved by the Board; and
  - (c) Beginning with the 2006 renewal period, submit proof of completion of fifteen (15) contact hours of continuing education, which shall include a pharmacology component. A continuing education program, course, seminar, or workshop shall be approved by the ANCC or other nationally certifying organization recognized by the Board and related to the certificate holder's specialty. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.
- 5903.6 A certificate holder shall submit a verification form of completion, for each program, course, seminar, or workshop for which continuing education is claimed.
- 5903.7 A certificate holder applying for renewal of a certificate who fails to submit proof of having completed the requirements as set forth in § 5903.5 by the date the certificate expires may renew the certificate within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.

- 5903.8 Upon submitting the required documents and paying the required late fees, the certificate holder shall be deemed to have possessed a valid certificate during the period between the expiration of the certificate and the submission of the required documents and fees.
- 5903.9 If a certificate holder applying for renewal of a certificate fails to submit proof of completion of the requirements as set forth in § 5903.5 or pay the late fee within sixty (60) days after the expiration of the certificate holder's certificate, the certificate shall be considered to have lapsed on the date of expiration and the certificate holder shall thereafter be required to apply for reinstatement of an expired certificate and meet all requirements and fees for reinstatement.
- 5903.10 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the certificate after expiration, if the certificate holder's failure to submit proof of the requirements or pay the late fee was for good cause. As used in this section "good cause" includes the following:
- (a) Serious and protracted illness of the certificate holder; and
  - (b) The death or serious and protracted illness of a member of the certificate holder's immediate family.

**Section 5905.1 is amended to read as follows:**

- 5905.1 In addition to the requirements in § 5901 and § 5904, to qualify for a certificate to practice as a nurse practitioner in the District of Columbia, an applicant shall receive a passing score on the national certification examination by the American Nurses Credentialing Center (ANCC) or any other nationally recognized certifying body accepted by the Board.

**A new section 5906 is added to read as follows:**

**5906 CERTIFICATION BY ENDORSEMENT**

- 5906.1 An applicant is eligible for certification by endorsement if the applicant is currently licensed or certified, in good standing, as a nurse practitioner under the laws of a state or territory of the United States.
- 5906.2 To apply for certification by endorsement, an applicant shall:
- (a) Submit a completed application on the forms required by the Board;
  - (b) Submit a copy of his or her current license or certificate as a nurse practitioner with the application;



(c) Obtain licensure or certification verification from the current state or territory of licensure or certification, that the license or certificate is current and in good standing. The verification form must be sent directly to the Board by the verifying Board;

(d) Meet any other requirements as set forth by the Board; and

(e) Pay all required fees.

5906.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

5906.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.

**A new section 5907 is added to read as follows:**

**5907 STANDARDS OF CONDUCT**

5907.1 A nurse practitioner shall adhere to the standards set forth in the American Nurses Association's "Code of Ethics," as they may be amended or republished from time to time.

**Section 5911 is repealed.**

**A new section 5914 is added to read as follows:**

**5914 SUPERVISED PRACTICE OF STUDENTS**

5914.1 A student may practice as a nurse practitioner only in accordance with the Act and this chapter.

5914.2 A student fulfilling education requirements for certification and practicing within the limitations set forth in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c), shall be authorized to engage in the supervised practice as a nurse practitioner without a District of Columbia certificate.

5914.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

- 5914.4 Only a nurse practitioner certified under the Act, who is an appointed faculty member of the accredited school or college, or a preceptor meeting the requirements set forth in chapter 56 of this Title, shall be authorized to supervise the practice of a student.
- 5914.5 A student who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the ANCC or other certifying body approved by the Board.
- 5914.6 All supervised practice of a student shall take place under general or immediate supervision.
- 5914.7 A student under this section shall not assume administrative or technical responsibility for the operation of a nurse practitioner program, unit, service, or institution.
- 5914.8 A student shall identify himself or herself as such before practicing as a nurse practitioner. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 5914.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5914.10 The appointed supervising faculty member shall be fully responsible for the practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 5914.11 The Board may deny an application for a certificate by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

**A new section 5915 is added to read as follows:**

**5915 SUPERVISED PRACTICE OF GRADUATES**

- 5915.1 A graduate may practice as a nurse practitioner only in accordance with the Act and this chapter.
- 5915.2 An individual may be authorized to engage in the supervised practice as a nurse practitioner as a graduate nurse practitioner, without a District of

Columbia certificate if the individual:

- (a) Graduated from post-basic nursing education program for nurse practitioners approved by the ANCC or other certifying board approved by the board;
- (b) Is awaiting the results of the certification examination given by the ANCC or other certifying body approved by the board; and
- (c) Has an initial application pending for certification to practice as a nurse practitioner in the District of Columbia.

5915.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5915.4 Within five (5) business days after the application for certification has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance;
- (b) Upon receipt of written notice to the applicant of denial of certification;
- (c) Upon receipt of notice to the applicant that the applicant has failed the certification examination; or
- (d) Upon receipt of written notice to the applicant from the Board that the application for certification has been denied, whichever occurs first.

5915.5 Upon receipt of the practice letter, the graduate shall inform employers of the date of expiration of the letter and shall immediately cease practice as a nurse practitioner on that date or upon receipt of written notice as set forth in § 5915.4, whichever date is the earliest. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice as a nurse practitioner in the District.

5915.6 The graduate shall immediately notify the Board and the graduate's supervisor of the results of the certification examination.

- 5915.7 Only a nurse practitioner certified under the Act, who is a supervisor, shall be authorized to supervise practice as a nurse practitioner by a graduate.
- 5915.8 A supervisor shall not supervise more than two (2) graduates at one time.
- 5915.9 All supervised practice of a graduate shall take place under general or immediate supervision.
- 5915.10 A graduate who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 5915.11 A graduate under this section shall not assume administrative or technical responsibility for the operation of a nurse practitioner program, unit, service, or institution.
- 5915.12 A graduate shall identify himself or herself as such before practicing as a nurse practitioner. A graduate shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the graduate and the position title.
- 5915.13 A graduate shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5915.14 The supervisor shall be fully responsible for all practice by a graduate during the period of supervision and is subject to disciplinary action for any violation of the Act or this chapter by the graduate.
- 5915.15 The Board may deny an application for a certificate by, or take other disciplinary action against, a graduate who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate to practice.

**A new section 5916 is added to read as follows:**

**5916 SUPERVISED PRACTICE OF APPLICANTS FOR  
CERTIFICATION BY ENDORSEMENT**

- 5916.1 An applicant may practice as a nurse practitioner only in accordance with the Act and this chapter.
- 5916.2 An applicant for certification by endorsement shall be authorized to engage in the supervised practice as a nurse practitioner in the District of Columbia

without a District of Columbia certificate if the applicant:

- (a) Is currently certified by the ANCC or a certifying body approved by the Board;
- (b) Is currently licensed, in good standing, under the laws of a state or territory of the United States; and
- (c) Has an initial application pending for certification by endorsement to practice as a nurse practitioner in the District of Columbia.

5916.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5916.4 Within five (5) business days after the application for certification by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance; or
- (b) Upon receipt of written notice from the Board that the application for certification has been denied, whichever date is the earliest.

5916.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease practice as a nurse practitioner. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice as a nurse practitioner in the District.

5916.6 Only a nurse practitioner certified under the Act, who is a supervisor, shall be authorized to supervise practice as a nurse practitioner by a graduate.

5916.7 A supervisor shall not supervise more than two (2) applicants at one time.

5916.8 All supervised practice of an applicant shall take place under general or immediate supervision.

5916.9 An applicant who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.

- 5916.10 An applicant under this section shall not assume administrative or technical responsibility for the operation of a nurse practitioner program, unit, service, or institution.
- 5916.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5916.12 The supervisor shall be fully responsible for all practice by an applicant during the period of supervision and is subject to disciplinary action for any violation of the Act or this chapter by the applicant.
- 5916.13 The Board may deny an application for a certificate by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

**Section 5999.1 is amended to add the following:**

**Act**— Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 et seq.).

**Graduate**— an individual who has graduated from a post-basic nursing education program for preparation to practice as a nurse practitioner.

**A new section 6003 is added to read as follows:**

**6003 RENEWAL OF CERTIFICATE**

- 6003.1 A holder of a certificate to practice as a clinical nurse specialist shall renew his or her certificate by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the certificate.
- 6003.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the certificate expires.
- 6003.3 A certificate holder shall have the burden of notifying the Board if a renewal notice is not received.
- 6003.4 A certificate holder shall notify the Board in writing of a change of home or business address within thirty (30) days after the change.

- 6003.5 A certificate holder applying for renewal of a certificate to practice clinical nurse specialty shall:
- (a) Maintain current licensure as a registered nurse in the District of Columbia;
  - (b) Submit evidence of current national certification or recertification, as applicable, by the American Nurses Credentialing Center (ANCC) or any other nationally recognized certifying organization accepted by the Board; and
  - (c) Beginning with the 2006 renewal period, submit proof of completion of fifteen (15) contact hours of continuing education, which shall include a pharmacology component. A continuing education program, seminar, or workshop shall be approved by the ANCC or other nationally certifying body recognized by the Board and shall be related to the certificate holder's specialty. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.
- 6003.6 A certificate holder shall submit a verification form of completion, for each program, course, seminar, or workshop for which continuing education is claimed.
- 6003.7 A certificate holder applying for renewal of a certificate who fails to submit proof of having completed the requirements as set forth in § 6003.5 by the date the certificate expires may renew the certificate within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.
- 6003.8 Upon submitting the required documents and paying the required late fees, the certificate holder shall be deemed to have possessed a valid certificate during the period between the expiration of the certificate and the submission of the required documents and fees.
- 6003.9 If a certificate holder applying for renewal of a certificate fails to submit proof of completion of the requirements as set forth in § 6003.5 or pay the late fee within sixty (60) days after the expiration of the certificate holder's certificate, the certificate shall be considered to have lapsed on the date of expiration and the certificate holder shall thereafter be required to apply for reinstatement of an expired certificate and meet all requirements and fees for reinstatement.
- 6003.10 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the certificate after expiration, if the certificate holder's failure to submit proof of the requirements or pay the late fee was for good

cause. As used in this section "good cause" includes the following:

- (a) Serious and protracted illness of the certificate holder; and
- (b) The death or serious and protracted illness of a member of the certificate holder's immediate family.

**Section 6005.1 is amended to read as follows:**

- 6005.1 In addition to the requirements in § 6001 and § 6004, to qualify for a certificate to practice as a clinical nurse specialist in the District of Columbia, an applicant shall receive a passing score on the national certification examination by the American Nurses Credentialing Center (ANCC) or any other nationally recognized certifying body accepted by the Board.

**Section 6006 is amended to read as follows:**

**6006 CERTIFICATION BY ENDORSEMENT**

- 6006.1 An applicant is eligible for certification by endorsement if the applicant is currently licensed or certified as a clinical nurse specialist under the laws of a state or territory of the United States.
- 6006.2 To apply for certification by endorsement, an applicant shall:
- (a) Submit a completed application on the forms required by the Board;
  - (b) Submit a copy of his or her current license or certificate as a clinical nurse specialist with the application;
  - (c) Obtain verification from the current state or territory of licensure or certification that the license or certificate as a clinical nurse specialist is current and in good standing. The verification form must be sent directly to the Board by the verifying Board;
  - (d) Meet any other requirements as set forth by the Board; and
  - (e) Pay all required fees.
- 6006.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.



- 6006.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.

**A new section 6007 is added to read as follows:**

**6007 STANDARDS OF CONDUCT**

- 6007.1 A clinical nurse specialist shall adhere to the standards set forth in the American Nurses Association's "Code of Ethics," as they may be amended or republished from time to time.

**Section 6009.1 is amended to read as follows:**

- 6009.1 A clinical nurse specialist shall have authority to prescribe legend drugs and controlled substances subject to the limitations set forth in § 6010.

**Section 6011 is repealed.**

**A new section 6014 is added to read as follows:**

**6014 SUPERVISED PRACTICE OF STUDENTS**

- 6014.1 A student may practice as a clinical nurse specialist only in accordance with the Act and this chapter.
- 6014.2 A student fulfilling education requirements for certification and practicing within the limitations set forth in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c), shall be authorized to engage in the supervised practice as a clinical nurse specialist without a District of Columbia certificate.
- 6014.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 6014.4 Only a clinical nurse specialist certified under the Act, who is an appointed faculty member of the accredited school or college, or a preceptor meeting the requirements set forth in chapter 56 of this Title, shall be authorized to supervise the practice of a clinical nurse specialist by a student.
- 6014.5 A student who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District

or federal government, or other health care facility considered appropriate by the ANCC or other certifying body approved by the Board.

- 6014.6 All supervised practice of a student shall take place under general or immediate supervision.
- 6014.7 A student under this section shall not assume administrative or technical responsibility for the operation of a clinical nurse specialist program, unit, service, or institution.
- 6014.9 A student shall identify himself or herself as such before practicing as a nurse practitioner. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.
- 6014.10 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 6014.11 The supervisor or preceptor, as applicable, shall be fully responsible for the practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 6014.12 The Board may deny an application for a certificate by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student to practice.

**A new section 6015 is added to read as follows:**

**6015 SUPERVISED PRACTICE OF GRADUATES**

- 6015.1 A graduate may practice as a clinical nurse specialist only in accordance with the Act and this chapter.
- 6015.2 An individual shall be authorized to engage in the supervised practice as a clinical nurse specialist as a graduate clinical nurse specialist, without a District of Columbia certificate if the individual:
- (a) Graduated from a post-basic nursing education program for clinical nurse specialists approved by the ANCC or other certifying body approved by the Board;
  - (b) Is awaiting the results of the certification examination given by the ANCC or other certifying body approved by the Board; and

- (c) Has an initial application pending for certification to practice as a clinical nurse specialist in the District of Columbia.

- 6015.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 6015.4 Within five (5) business days after the application for certification has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance;
  - (b) Upon receipt of written notice to the applicant of denial of certification;
  - (c) Upon receipt of notice to the applicant that the applicant has failed the certification examination; or
  - (d) Upon receipt of written notice to the applicant from the Board that the application for certification has been denied, whichever date is the earliest.
- 6015.5 Upon receipt of the practice letter, the graduate shall inform employers of the date of expiration of the letter and shall immediately cease practice as a clinical nurse specialist on that date or upon receipt of written notice as set forth in § 6015.4, whichever date is the earliest. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice as a clinical nurse specialist in the District.
- 6015.6 The graduate shall immediately notify the Board and the graduate's supervisor of the results of the certification examination.
- 6015.7 Only a clinical nurse specialist certified under the Act, who is a supervisor, shall be authorized to supervise the practice of a clinical nurse specialist by a graduate.
- 6015.8 A supervisor shall not supervise more than two (2) graduates at one time.
- 6015.9 All supervised practice of a graduate shall take place under general or

immediate supervision.

- 6015.10 A graduate who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 6015.11 A graduate under this section shall not assume administrative or technical responsibility for the operation of a clinical nurse specialist program, unit, service, or institution.
- 6015.12 A graduate shall identify himself or herself as such before practicing as a nurse practitioner. A graduate shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the graduate and the position.
- 6015.13 A graduate shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 6015.14 The supervisor shall be fully responsible for all practice by a graduate during the period of supervision and is subject to disciplinary action for any violation of the Act or this chapter by the graduate.
- 6015.15 The Board may deny an application for a certificate by, or take other disciplinary action against, a graduate who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate to practice.

**A new section 6016 is added to read as follows:**

**6016 SUPERVISED PRACTICE OF APPLICANTS FOR  
CERTIFICATION BY ENDORSEMENT**

- 6016.1 An applicant may practice as a clinical nurse specialist only in accordance with the Act and this chapter.
- 6016.2 An applicant for certification by endorsement shall be authorized to engage in the supervised practice as a clinical nurse specialist in the District of Columbia without a District of Columbia certificate if the applicant:
- (a) Is currently certified by the ANCC or a certifying body approved by the Board;

- (b) Is currently licensed, in good standing, under the laws of a state or territory of the United States; and
  - (c) Has an initial application pending for certification by endorsement to practice as a clinical nurse specialist in the District of Columbia.
- 6016.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 6016.4 Within five (5) business days after the application for certification by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
  - (a) Ninety (90) days from the date of issuance; or
  - (b) Upon receipt of written notice from the Board that the application for certification has been denied, whichever date is the earliest.
- 6016.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease practice as a clinical nurse specialist on that date or upon receipt of written notice as set forth in § 6015.4, whichever date is the earliest. The applicant thereafter may practice in any other area for which the applicant is qualified and licensed in the District, until receipt of a certificate to practice as a clinical nurse specialist in the District.
- 6016.6 Only a clinical nurse specialist certified under the Act, who is a supervisor, shall be authorized to supervise the practice of a clinical nurse specialist by an applicant.
- 6016.7 A supervisor shall not supervise more than two (2) applicants at one time.
- 6016.8 All supervised practice of an applicant shall take place under general or immediate supervision.
- 6016.9 An applicant who practices pursuant to this section shall only practice at a hospital, long-term care facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.

- 6016.10 An applicant under this section shall not assume administrative or technical responsibility for the operation of a clinical nurse specialist program, unit, service, or institution.
- 6016.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 6016.12 The supervisor shall be fully responsible for all practice by an applicant during the period of supervision and is subject to disciplinary action for any violation of the Act or this chapter by the applicant.
- 6016.13 The Board may deny an application for a certificate by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

**Section 6099.1 is amended to add the following:**

**Act**— Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 et seq.).

**Graduate**— an individual who has graduated from a post-basic nursing education program for preparation to practice as a clinical nurse specialist.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

## STATE EDUCATION OFFICE OF THE DISTRICT OF COLUMBIA

## NOTICE OF PROPOSED RULEMAKING

The State Education Office, pursuant to the authority set forth in the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853, D.C. Official Code § 38-301 *et seq.*), and the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), hereby gives notice of its intent to adopt the following amendment to Section 2008 of Title 5 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of these rules in the *D.C. Register*. The purpose of the proposed amendment is to establish new tuition rates for non-resident students attending public and public charter schools in the District of Columbia.

5 DCMR § 2008.13 is amended to read as follows:

2008.13 The following shall be the non-resident tuition rates currently in effect for public and charter schools in the District of Columbia:

## SCHEDULE OF 2004-05 NON-RESIDENT TUITION RATES

The rates displayed in the charts below are the same as the per-pupil allocations provided by the Uniform Per Student Funding Formula during the FY 2004 school year. Based on these rates, the tuition cost for each student who is not a resident of the District of Columbia and who is enrolled in the District of Columbia Public Schools or in a public charter school in the District of Columbia shall be calculated in the following manner:

- (a) Using the Grade Level Table below, determine the rate for the grade level or span at which the student, based on grade assignment or age, will be enrolled.

## Rates by Grade Level or Applicable Grade Range

Grade Levels	Yearly Rate	Half-Yearly Rate	Daily Rate
Pre-School/Pre-Kindergarten	\$7,664	\$3,832	\$43
Kindergarten	\$7,664	\$3,832	\$43
Grades 1-3	\$6,747	\$3,374	\$37
Grades 4-5	\$6,551	\$3,276	\$36
Ungraded ES	\$6,747	\$3,374	\$37
Grades 6-8	\$6,747	\$3,374	\$37
Ungraded MS/JHS	\$6,747	\$3,374	\$37
Grades 9-12	\$7,664	\$3,832	\$43
Ungraded SHS	\$7,664	\$3,832	\$43
Alternative	\$8,516	\$4,258	\$47
Special Education Schools	\$7,664	\$3,832	\$43
Adult	\$4,913	\$2,457	\$27

- (b) If the student is enrolled in a daytime special education program, use the table below to determine the rates for services the student will receive. Add this amount to the grade level cost in paragraph (a) of this section.

**Rates for Special Needs Students Enrolled in a Daytime Special Education Program**

Level/Program	Yearly Rate	Half-Yearly Rate	Daily Rate
Level 1: Special Education	\$3,603	\$1,802	\$20
Level 2: Special Education	\$5,568	\$2,784	\$31
Level 3: Special Education	\$9,826	\$4,913	\$55
Level 4: Special Education	\$17,687	\$8,844	\$98
LEP/NEP	\$2,620	\$1,310	\$15

- (c) If the student is enrolled in a residential school that serves special needs students, use the table below to determine the rates for any of the listed services that the student will receive. Add these amounts to the totals from paragraphs (a) and (b).

**Rates for Special Needs Students Enrolled in a Residential School**

Level/Program	Yearly Rate	Half-Yearly Rate	Daily Rate
Level 1: Special Education - Residential	\$2,450	\$1,225	\$14
Level 2: Special Education - Residential	\$8,909	\$4,455	\$49
Level 3: Special Education - Residential	\$19,266	\$9,633	\$107
Level 4: Special Education - Residential	\$19,154	\$9,577	\$106
Level 5: Special Education - Residential	\$61,577	\$30,789	\$342
LEP/NEP - Residential	\$4,454	\$2,227	\$25

- (d) Any student enrolled in a residential school, whether or not the student has special needs, is entitled to the Residential Rate listed below, which covers the cost of room and board. Add this amount to the total of (a), (b), and (c) above. This amount is the student's total non-resident tuition rate for the regular school year program.

**Rates for Room and Board for students Enrolled in a Residential School**

Program	Yearly Rate	Half-Yearly Rate	Daily Rate
Residential (Room and Board)	\$11,136	\$5,568	\$62



- (e) A non-resident student who wishes to attend summer school in the District of Columbia must register for the summer program separately from the regular school year program. Students will be admitted on a space-available basis. The non-resident tuition rates for summer school are displayed below.

**Additional Rates for Non-Resident Students Enrolled in Summer School**

<b>Program</b>	<b>Rate</b>
Summer School	\$1,114

The rates in this schedule only apply to non-resident students enrolled in the regular school program of the District of Columbia Public Schools or a public charter school in the District of Columbia. Some schools may offer services that are not considered part of the regular school program, and participation in such programs may require payment of additional fees.

All persons who desire to comment on these proposed rules should submit their comments in writing to C. Vanessa Spinner, State Education Officer, 441 Fourth Street, NW, Washington, D.C. 20001. All comments must be received by the State Education Office not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these proposed rules and related information may be obtained by writing to the above address, or by calling the State Education Office at (202) 727-6436.

## THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

## NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia hereby gives notice that at its meeting held April 20, 2004, the Board took proposed rulemaking action to amend Chapter 6 of the University Rules (Title 8, DCMR) to delegate to the President of the University the authority to manage the University parking facilities, including the establishment of market-based parking rates, preferential parking rates for the members of the University community, and the making of necessary adjustments required from time to time, as follows. The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Amend Title 8, DCMR, Chapter 6, Subchapter 18, "Registration Fees, Parking Fees, and Fines," by deleting the subchapter and reissuing it as follows:

618 Registration Fees, Parking Fees, and Fines

618.1 The President of the University shall be responsible for establishing the registration and parking fees for the use of University parking facilities consistent with market rates for off-street and garage parking in the immediate neighborhood.

618.2 The President is authorized to establish preferential seasonal permit rates and preferential daily parking rates for faculty, staff, and students of the University with appropriate identification; and, to the extent that space is available, such preferential rates may be extended to University guests and the employees of contractors and vendors with appropriate identification.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the University General Counsel, Building 39, Room 301Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, DC 20008. Comments may be submitted by telecopier (FAX) to (202) 274-5320. Copies of the current, as well as the proposed rules, may be obtained from the Office of the University General Counsel at the address set forth above.